

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO.: 23-80358-CIV-CANNON/REINHART**

	)	
INFOGROUP, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
OFFICE DEPOT, INC.,	)	
	)	
Defendant.	)	
	)	

**DEFENDANT OFFICE DEPOT’S UNOPPOSED RULE 60 MOTION TO  
CORRECT THE ORDER ACCEPTING MAGISTRATE JUDGE’S  
REPORT AND RECOMMENDATION [ECF NO. 255]**

Pursuant to Fed. R. Civ. P. 60(a)-(b)(1), Defendant Office Depot, Inc. (“Office Depot”) respectfully requests the Court vacate its Order Accepting Magistrate Judge’s Report and Recommendation [ECF No. 255] and reissue it correcting clerical errors in the order.

**MEMORANDUM OF LAW**

The Report and Recommendation [ECF No. 252] recommended granting-in-part Defendant’s motion for attorneys’ fees, [ECF No. 227], and awarding \$927,842.00 and no costs to Defendant Office Depot. However, the Court’s Order Accepting Magistrate Judge’s Report and Recommendation [ECF No. 255] appears to have inadvertently swapped “Plaintiff” and “Defendant,” misstating the motion for fees as Plaintiff’s, and awarding \$927,842.00 in fees to Plaintiff instead of to Defendant. Because this appears to be a clerical mistake, Office Depot respectfully requests the Court vacate [ECF No. 255] and reissue it, swapping “Defendant Office Depot, Inc.” in place for each instance of “Plaintiff.” Fed. R. Civ. P. 60(a)-(b)(1).

Dated this 10th day of September, 2024

Respectfully submitted,

By: /s/ Mark R. Cheskin

Mark R. Cheskin, Esq.

Fla. Bar No. 708402

Hogan Lovells US LLP

600 Brickell Avenue, Suite 2700

Miami, Florida 33131

Telephone: (305) 459-6500

Facsimile: (305) 459-6550

mark.cheskin@hoganlovells.com

Damon M. Lewis (*pro hac vice*)

Celine Jimenez Crowson (*pro hac vice*)

Anna Kurian Shaw (*pro hac vice*)

Lauren B. Cury (*pro hac vice*)

Hogan Lovells US LLP

555 Thirteenth Street NW

Washington, DC 20004

Telephone: 202-637-5600

Facsimile: 202-637-5910

damon.lewis@hoganlovells.com

celine.crowson@hoganlovells.com

anna.shaw@hoganlovells.com

lauren.cury@hoganlovells.com

*Attorneys for Office Depot, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 10, 2024, the foregoing was filed with the Clerk of Court using CM/ECF, which will serve a Notice of Electronic Filing on all counsel of record.

By: /s/ Mark R. Cheskin  
Mark R. Cheskin